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**DEC 29 2004**

In re Application of  
Ryuichi Murai et al  
Application No. 09/889,473  
Filed: July 17, 2001  
Attorney Docket No. NAKI-BP44

**OFFICE OF PETITIONS**

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 2, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed May 3, 2004, which set a shortened statutory period for reply of three (3) months. A reply under 37 CFR 1.113 is limited to an amendment that *prima facie* places the application in condition for allowance or a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)). The reply submitted on September 27, 2004 did not *prima facie* place the application in condition for allowance as noted in the Advisory Action mailed October 19, 2004. Therefore, as no Notice of Appeal (and appeal fee), Request for Continued Examination (RCE) or a continuing application was timely filed. Extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 4, 2004.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center 2879 for processing of the request for continued examination under 37 CFR 1.114.

  
Wan Laymon

Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy